

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
v. :
JOHN LEADBEATER, :
Defendant. :
:

Cr. No. 13-121 (JBS)

ORDER

This matter came before the Court at a sentencing hearing on May 5, 2016. It was determined that certain areas into which the Court has inquired will need further briefing and argument, in accordance with the schedule stated at the hearing and set forth below.

Specifically, the Court has raised these factual issues:

1. Whether the evidence supports the 18-level enhancement due to loss attributable to Mr. Leadbeater for guideline purposes of \$5,969,293.75 pursuant to paragraph 165 of the Presentence Investigation Report, or some other lesser amount, or the plea agreement loss figure of an amount greater than \$1,500,000.00 but less than \$3,500,000.00; the Court has requested that the Government indicate, with regard to the 22 transactions in the Conspiracy that are not explicitly referenced in the parties' plea agreement, factual information that Mr. Leadbeater is culpable for the loss sustained in that transaction, and the identification of the witness

and/or document that would demonstrate such culpability in that transaction; Defendant Leadbeater will have the opportunity to rebut same;

2. Whether the evidence in the case supports the Presentence Investigation's conclusion that the defendant derived more than \$1,000,000.00 in gross receipts from one or more financial transactions as a result of the offense within the meaning of Section 2B1.1(b) (16) (A) and Application Note 12;

Further, the parties are in disagreement regarding the Government's position that defendant used sophisticated means within the meaning of 2B1.1(b) (10) (C), and the Government has requested leave to introduce specific evidentiary examples in support of its position that this enhancement applies.

IT IS, therefore, this 9th day of **May, 2016** hereby **ORDERED** that the sentencing hearing will be continued at a later date with regard to the above issues and other matters not yet addressed in the May 5th hearing; and it is further **ORDERED** that the submission on behalf of the United States will be due May 19, 2016, Defendant Leadbeater's response will be due June 2, 2016, and the Court will convene a Telephone Conference Call after reviewing these submissions, on Friday, June 10, 2016 at 11:00 A.M., in which the Government is requested to arrange for the conference call; and it is further

ORDERED that during that conference call, the Court will set the date for the continuation of the sentencing hearing; and it is further

ORDERED that any hearing regarding Restitution will be convened on July 28, 2016 at 9:30 A.M. before the undersigned.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
Chief U.S. District Judge